

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

8:17CV255

**MEMORANDUM
AND ORDER**

The court must conduct an initial review of Petitioner Justin Gardner's Petition for Writ of Habeas Corpus ([Filing No. 1](#)) to determine whether his claims are potentially cognizable in federal court. A habeas corpus petition must "substantially follow either the form appended to [the *Rules Governing Section 2254 Cases in the United States District Courts*], or a form prescribed by a local district-court rule." See Rule 2 of the *Rules Governing Section 2254 Cases in the United States District Courts*.

Here, Petitioner utilized the Form AO 241, Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody. However, the Petition fails to clearly indicate the grounds alleged and the facts supporting those grounds. Petitioner has merely submitted a bullet-point list of general claims without any context or supporting information. Thus, the court deems the pending Petition for Habeas Corpus ([Filing No. 1](#)) insufficient, and the court will not act upon it.

On its own motion the court will grant Petitioner 30 days in which to file an amended petition. The court advises Petitioner that he must fully amend his habeas corpus petition and follow the directions contained within the Form AO 241, Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, a copy of which will be provided to him at the court's direction. The

court cautions Petitioner that failure to adequately comply with this order will result in dismissal of his Petition without further notice.

IT IS THEREFORE ORDERED that:

1. Petitioner is directed to file an amended petition for writ of habeas corpus within 30 days of the date of this Memorandum and Order. Failure to comply with this Memorandum and Order will result in dismissal of this matter without further notice.

2. The clerk of the court is directed to send to Petitioner the Form AO 241 (“Petition for Relief From a Conviction or Sentence By a Person in State Custody”).

3. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: **February 23, 2018**: Check for amended petition.

Dated this 24th day of January, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge